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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,979	03/22/2006	Mark H. Verberkt	US 030015	8734
24737 7590 05/12/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
POPE, DARYL C				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
05/12/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,979

Applicant(s)

VERBERKT ET AL.

Examiner

DARYL POPE

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

ART REJECTION:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al(5,400,246) in view of Kail, IV(5,959,529).

-- In considering claim 1, the claimed subject matter that is met by Wilson et al(Wilson) includes:

1) the environmental model which stores environmental location information including environment subsections defined by system location and communicating with one or more software applications for receiving an application specific location request including an area of interest with an application specific system resolution is met by the user interface(300) which is a document file including a database of names and

Algorithms used by a software application in the form of MASTER CONTROL program which receives location requests including areas of interest from the user interface(300) such that the MASTER CONTROL program illustrates zones or physical locations of groups of devices being monitored and controlled, based on input by the user(see: column 20, lines 54 et seq; column 21, lines 25-34).

- Wilson does not teach:

- 1) the subsections defined by system location coordinates;
- 2) at least one location sensor for sensing the position of a subject within the area of interest at a sensor specific sensing frequency and resolution to provide sensor specific subject location information;
- 3) the sensor translator connected to the environmental model and location sensor.

Although not taught by Wilson, use of location sensor and as well sensor translator for translating location information is well known in the art. In related art, Kail discloses a remote sensor monitoring system, wherein sensor units(12) including location determining devices(38) are utilized to provide location information to a central monitoring device(14)(see: column 5, lines 13-23). As well, the central monitoring device(14) is also provided with location determining device(62) so as to be compatible with sensor(12) location determining device(38), such that sensor location data may be translated at the central monitoring device(14)(see: column 5, lines 32-59). Since use of location sensors and translators are well known, as taught by Kail, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

incorporate these devices into the sensors and PC(12), respectively, of Wilson, since Wilson already desires location information to be included in sensor data, and therefore, implementation of the location determining devices of Kail would have facilitated this information.

-- With regards to claim 2, although not taught by Wilson in view of Kail, it would have constituted an obvious design choice to one of ordinary skill in the art at the time the invention was made to implement a frequency update of location coordinates as desired, since one of ordinary skill would have recognized the most advantageous frequency updates that would have provided the best results for the system.

-- With regards to claims 3 and 4, the plurality of location sensors would have been met upon incorporation of the sensors of Kail into Wilson as discussed above. AS well, the receiving a plurality of application specific location requests including an area of interest would have been met by the user of the system of Wilson being capable of accessing sensor information pertaining to any specific area of interest in the system of Wilson.

-- With regards to claim 5, the context awareness subsystem would have been included upon incorporation of the location determining device(62) of the central monitoring station(14) of Kail, which would have allowed translation of location information received from the location determining device(38) of the sensor units(12).

-- With regards to claim 6, the environmental subsections including rooms within a building is met(see: figure 3J).

-- With regards to claim 7, the location sensor including a motion detector is met by the sensor data including motion sensor data, which indicates use of motion detectors(see: figure 3J) .

-- Claims 8-23 recite subject matter that is met as discussed in claims 1-7 above. As well, with regards to claim 23, it would have been obvious that at an electronic device would have readily been determined as the subject, since the sensor units would have constituted electronic devices.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL POPE whose telephone number is (571)272-2959. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE RAZAVI can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DARYL POPE/

Primary Examiner, Art Unit 2612

DARYL POPE

Primary Examiner

Art Unit 2612